

REMARKS

Claims 1-9 are pending in the instant application. Claim 6 has been allowed. Claims 1, 2, 8 and 9 have been rejected. Claims 3, 4, 5 and 7 are objected to. Claims 1 and 2 have been cancelled. Claims 3, 7, 8 and 9 have been amended. These amendments do not introduce any new subject matter, and support for them can be found in the specification. After entry of this amendment, Claims 3-9 will remain pending.

Objection to Claims 3-5 and 7

The Examiner has objected to Claims 3-5 and 7 as being dependent on a rejected base claim. The Examiner states that if rewritten in independent form including all of the limitations of the base claim and any intervening claims, said claims would be allowable. Applicants have cancelled Claims 1 and 2, and rewritten Claim 3 in independent form. Accordingly, this objection should be rendered moot.

Rejection of Claim 9 under 35 U.S.C. §112, second paragraph

The Examiner has rejected Claims 9 under 35 U.S.C. §112, first paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants have reworded Claim 9 so that it is a method of treatment claim as opposed to a claim reciting the use of a medicament. Accordingly, this rejection should be rendered moot, and Applicants respectfully request the rejection of Claim 9 under 35 USC §112, second paragraph be withdrawn.

Rejection of Claims 1,2 and 8 under 35 U.S.C. §102(b)

The Examiner has rejected Claims 1, 2 and 8 under 35 U.S.C. §102(b) as allegedly being anticipated by Fox et al (J. Org. Chem., Vol. 38, No. 6, 1973, p. 1136-1140). Without conceding the correctness of the Examiner's rejection, but to advance the prosecution of the instant application, Applicants have cancelled Claims 1 and 2 and amended the dependency of Claim 8 to depend from Claim 3. Accordingly, this rejection should be rendered moot, and Applicants respectfully request the rejections of Claims 1, 2 and 8 under 35 USC §102(b) be withdrawn.

If a telephonic communication with the Applicants' representative will advance the prosecution of the instant application, please telephone the representative indicated below.

Applicants believe no additional fees are due but the Commissioner is authorized to charge any fees required in connection with this response to Merck Deposit Account No. 13-2755.

Respectfully submitted,

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Date: April 07, 2009